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Shay Durr
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lightfoot, et al.

Group Art Unit: 1638

Serial No.: 09/772,134

Examiner: David H. Kruse

Filed: January 29, 2001

Docket No.: 1268/4/2

For: ISOLATED POLYNUCLEOTIDES AND POLYPEPTIDES RELATING TO
LOCI UNDERLYING RESISTANCE TO SOYBEAN CYST NEMATODE
AND SOYBEAN SUDDEN DEATH SYNDROME AND METHODS
EMPLOYING SAME

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Sir:

This is responsive to the Restriction/Election Requirement dated September 16, 2002, having a 1-month term for Response that expired on October 16, 2002. A Petition for a Three (3) Month Extension of Time is respectfully requested, to thereby extend the response deadline to and including January 16, 2003. Please charge Deposit Account No. 50-0426 in the amount of \$465.00 for a three month extension of time. Favorable consideration is respectfully requested in view of the following Election and Remarks.

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

| <u>Groups</u> | <u>Claims</u> | <u>Subject Matter</u> |
|---------------|---------------|---|
| I | 1 | An isolated and purified genetic marker associated with linkage group G in the soybean genome. |
| II | 2 | An isolated and purified genetic marker associated with linkage group A2 in the soybean genome. |
| III | 3-6 | A plant or part thereof with SCN/SDS resistance response comprising a genome homozygous with |

| | | |
|------|--------------|--|
| | | respect to genetic alleles that evidences resistance to SCN/SDS in a locus mapping to linkage group G. |
| IV | 3-6 | A plant or part thereof with SCN/SDS resistance response comprising a genome homozygous with respect to genetic alleles that evidences resistance to SCN/SDS in a locus mapping to linkage group A2. |
| V | 7-10 | An isolated and purified biologically active SCN/SDS resistance polypeptide. |
| VI | 11-26, 71-80 | An isolated and purified nucleic acid molecule encoding a biologically active SCN/SDS resistance polypeptide, a transgenic plant comprising said nucleic acid molecule and a method of making said transgenic plant. |
| VII | 27-34 | An isolated SCN/SDS resistance gene promoter vectors comprising said promoter and a transgenic plant comprising said promoter. |
| VIII | 35-37 | An assay kit for detecting the presence of a nucleic acid molecule encoding a SCN/SDS resistance polypeptide comprising nucleic acid probes directed to linkage Group G of soybean |
| IX | 35-37 | An assay kit for detecting the presence of a nucleic acid molecule encoding a SCN/SDS resistance polypeptide comprising nucleic acid probes directed to linkage Group A2 of soybean. |
| X | 38-40 | A method for determining the presence or absence of SCN/SDS resistance in a soybean plant associated with linkage group G. |
| XI | 38-40 | A method for determining the presence or absence of SCN/SDS resistance in a soybean plant associated with linkage group A2. |
| XII | 41-43 | A method of introgressing SCN/SDS resistance into non-resistance soybean germplasm comprising identifying one or more nucleic acid makers for marker assisted selection among soybean lines with makers map to linkage group G. |
| XIII | 41-43 | A method of introgressing SCN/SDS resistance into non-resistance soybean germplasm comprising identifying one or more nucleic acid makers for marker assisted selection among soybean lines with makers map to linkage group A2. |
| XIV | 44-53 | A method of positional cloning of a nucleic acid comprising identifying a nucleic acid genetically linked to a SCN/SDS resistance locus wherein the nucleic acid maps between two makers for linkage group G. |
| XV | 44-53 | A method of positional cloning of a nucleic acid comprising identifying a nucleic acid genetically linked to a SCN/SDS resistance locus wherein the nucleic acid maps between two makers for linkage group A2. |

CONCLUSIONS

Should there be any minor issues outstanding in this matter, Examiner Kruse is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.


Deposit Account

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

JENKINS & WILSON, P.A.

Date: 01/16/2003

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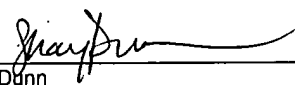
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Shay Dunn

Re: U.S. Patent Application Serial No. 09/772,134 for
ISOLATED POLYNUCLEOTIDES AND POLYPEPTIDES
RELATING TO LOCI UNDERLYING RESISTANCE TO SOYBEAN
CYST NEMATODE AND SOYBEAN SUDDEN DEATH
SYNDROME AND METHODS EMPLOYING SAME
Our File No. 1269/4/2

Sir:

Please find enclosed the following:

1. Response to Restriction/Election Requirement with Request for Three-Month Extension of Time (4 pages);
2. Third Supplemental Information Disclosure Statement and PTO-1449 (3 pages);
3. Copy of IDS reference WO 01/51627 on CD;
4. A return-receipt postcard to be returned to our offices with the U.S. Patent and Trademark date stamp thereon; and
5. A Certificate of Express Mail No.: EU764071321US.

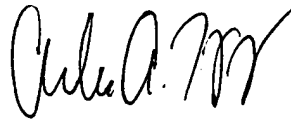
Please contact our offices if there are any questions with respect to this matter.

Commissioner for Patents
January 16, 2003
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The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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Enclosures